

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PULSEDATA, INC.

Plaintiff,

v.

JUNG HOON SON,

Defendant.

Case No. 1:23-cv-03653-JMF

**STIPULATION AND [PROPOSED] ORDER GRANTING  
STIPULATED PRELIMINARY INJUNCTION**

**WHEREAS**, on May 1, 2023, Plaintiff pulseData, Inc. filed the Complaint, Dkt No. 1, in this Action alleging (1) Breach of the Non-Disclosure Agreement (“NDA”); (2) violation of the Defend Trade Secrets Act; and (3) Misappropriation of Trade Secrets under New York Law;

**WHEREAS**, on June 30, 2023, Plaintiff filed a Motion for Preliminary Injunction, Dkt No. 11, seeking as relief that Defendant Jung Hoon Son (“Son”) (1) is prohibited from disclosing and/or using any of pulseData’s confidential and/or trade secret information (each time used herein the term “confidential and/or trade secret information” shall have the same meaning as the term “Confidential Information” is defined in Section 2(a) of the pulseData, Inc. Employee Non-Disclosure and Invention Assignment Agreement dated June 2, 2017 (“NDA”), Dkt. No. 13-1, Ex. A; and (2) is required to return all originals and copies of all pulseData confidential and/or trade secret information, and any other pulseData property;

**WHEREAS**, the Parties wish to resolve the pending motion;

**IT IS HEREBY STIPULATED AND AGREED** by the parties, through their undersigned counsel, as follows:

1. Son hereby represents to the Court that he does not possess any pulseData confidential and/or trade secret information.
2. Son agrees that he will not disclose and/or use any pulseData confidential and/or trade secret information.
3. Son hereby represents to the Court that he has no pulseData confidential and/or trade secret information, or any other pulseData property to return.
4. Except as expressly set forth herein, this stipulation is without prejudice to the parties' rights, remedies, claims and defenses.
5. pulseData will withdraw its motion for a preliminary injunction upon this stipulation being so-ordered.
6. This stipulation is made subject to the Court approving and so-ordering its terms. If the Court declines to so-order this stipulation, the stipulation shall be void.

**STIPULATED AND AGREED:**

Date: New York, New York  
July 14, 2023

/s/ Matthew S. Salerno  
Matthew S. Salerno  
Latham & Watkins LLP  
1271 Avenue of the Americas  
New York, NY 10020  
Telephone: (212) 906-4738  
Email: matthew.salerno@lw.com

/s/ Benjamin R. Joelson  
Benjamin R. Joelson  
Akerman LLP  
1251 Avenue of the Americas  
36<sup>th</sup> FL  
New York, NY 10020  
Telephone: (212) 880-3800  
benjamin.joelson@akerman.com

/s/ Steven J. Pacini

Steven J. Pacini  
Di Ai  
Latham & Watkins LLP  
200 Clarendon Street  
Boston, MA 02116  
Telephone: (617) 880-4500  
Email: steven.pacini@lw.com  
di.ai@lw.com

/s/ Thomas G. Pasternak

Thomas G. Pasternak  
Akerman LLP  
71 South Wacker Drive  
46<sup>th</sup> FL  
Chicago, IL 60606  
Telephone: (312) 634-5700  
Email: thomas.pasternak@akerman.com

*Attorneys for Plaintiff pulseData, Inc.*

*Attorneys for Defendant Jung Hoon Son*

In view of the stipulation, the motion for a preliminary injunction is deemed withdrawn without prejudice.

**SO ORDERED.**

Dated: July \_\_\_, 2023

---

Hon. Jesse M. Furman, U.S.D.J.